

REMARKS

This application has been reviewed in light of the Office Action dated June 15, 2006. Claims 1-3 have been cancelled without prejudice or disclaimer of subject matter. Claims 8-12 have been added to provide the Applicants with a more complete scope of protection. Claims 4-12 are presented for examination, of which Claims 4, 8 and 12 are in independent form. Claims 4, 6 and 7 have been amended to define Applicants' invention more clearly. Favorable reconsideration is requested.

Claims 4-7 are rejected under 35 U.S.C. § 101 as allegedly directed to non-statutory subject matter. Particularly, at pages 3-4, the Office Action states that the "claims are not directed towards the [sic] final result that is 'useful, tangible and concrete.'" This rejection is respectfully traversed for the following reasons.

To meet the requirements of 35 U.S.C. § 101, "[t]he claimed invention as a whole must accomplish a practical application. That is, it must produce a 'useful, concrete and tangible result.'" M.P.E.P. § 2106(II)(A) (quoting *State Street Bank & Trust v. Signature Financial Group, Inc.*, 149 F.3d 1368, 1373, 47 USPQ2d 1596, 1601 (Fed. Cir. 1998)). *State Street* provides the following example of a claimed invention that produces a useful, concrete, and tangible result:

[T]ransformation of data, representing discrete dollar amounts, by a machine through a series of mathematical calculations into a final share price, constitutes a practical application of a mathematical algorithm, formula, or calculation, because it produces 'a useful, concrete and tangible result' -- a final share price momentarily fixed for recording and reporting purposes and even accepted and relied upon by regulatory authorities and in subsequent trades.

State Street, 149 F.3d at 1373, 47 USPQ2d at 1601.

Claim 4 recites a method for accessing data. The method includes receiving a transaction infrastructure object requesting data and a data service transaction name. The method also includes the steps of retrieving a data service transaction corresponding to the data service transaction name and converting the transaction infrastructure object into a different format using an input element of the data service transaction. In addition, the method includes sending the converted transaction infrastructure object to a data source, obtaining the requested data from the data source and transforming the data into a transaction infrastructure response object using an output element of the data service transaction.

It is respectfully submitted that if “transformation of data. . .into a final share price” is statutory subject matter, then the claimed steps of “converting the transaction infrastructure object into a different format using an input element of the data service transaction” and “transforming the data into a transaction infrastructure response object using an output element of the data service transaction” also are statutory, because these steps constitute a practical application of a conversion and transformation to produce a “useful, concrete and tangible result”, *i.e.*, the requested data, transformed into a transaction infrastructure response object. Claims 5-7 depend from Claim 4. Thus, Claims 4-7 are believed to be directed to statutory subject matter.

Accordingly, Applicants submit that Claims 4-7 meet the requirements of 35 U.S.C. § 101, and withdrawal of this rejection is respectfully requested.

Claims 4-7 also are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,604,100 (*Fernandez et al.*). Applicants submit that independent

Claim 4, together with the claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

Applicants point to Claim 4, which recites “converting the transaction infrastructure object into a different format using an input element of the data service transaction,” and “transforming the data into a transaction infrastructure response object using an output element of the data service transaction.” An illustration of this aspect of the invention may be seen by referring, for example, to Figures 3 and 4, as well as to the specification at paragraphs 45-48.¹ By virtue of these features, both data and programs can be shared among various distributed locations. Various pieces of information from data and programs created from incompatible platforms can be accessed simply by creating a data service transaction that defines how the data source is organized. Moreover, even new data sources can be accessed in this manner.

Fernandez et al. relates to converting relational data into XML (eXtensible Markup Language). Apparently, the *Fernandez et al.* approach involves taking an RXL query and decomposing it into one or more SQL queries and an XML template. The SQL queries are executed by a server or engine, and their flat results (streams or tuples) are converted into XML by the XML generator. Col. 9, Ins. 60-65. The XML query language, XML-QL, apparently can be implemented in Java as well. Col. 25, Ins. 55-60.

Nothing has been found in *Fernandez et al.* that is believed to teach or suggest the steps quoted above from Claim 4.

¹ It is of course to be understood that the claim scope is not limited by the details of this or any other particular embodiment that may be referred to.

Accordingly, Applicants submit that Claim 4 is not anticipated by *Fernandez et al.*, and respectfully request withdrawal of the rejection under 35 U.S.C. §102(e).

Independent Claims 8 and 12 are computer program product and system claims respectively corresponding to method Claim 4, and are believed to be patentable for at least the same reasons as discussed above in connection with Claim 4.

A review of the other art of record has failed to reveal anything which, in Applicants' opinion, would remedy the deficiencies of the art discussed above, as references against the independent claims herein. Those claims are therefore believed patentable over the art of record.

The other claims in this application are each dependent from one or another of the independent claims discussed above and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual consideration or reconsideration, as the case may be, of the patentability of each on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

/Jonathan Berschadsky/
Jonathan Berschadsky
Attorney for Applicants
Registration No. 46,551

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3801
Facsimile: (212) 218-2200

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